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Counsel to Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

CIRCUIT CITY STORES, INC., et al.¹

Debtors.

) Case No. 08-35653 (KRH)
)
) Chapter 11
)
) (Jointly Administered)
)

**MOTION TO EXPEDITE HEARING AND SHORTEN RESPONSE PERIOD ON
THE TRUSTEE'S MOTION AND MEMORANDUM IN SUPPORT THERETO**

Alfred H. Siegel, as Trustee, and not individually but solely in his capacity as the liquidating trustee (in such capacity, the “**Trustee**”) of the Circuit City Stores, Inc. Liquidating Trust (the “**Trust**”) created under the *Modified Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its Official Committee of Unsecured Creditors Holding General Unsecured Claims* [Docket No. 8252, Exhibit A] (the “**Plan**”), by counsel, hereby moves (the “**Expedited Hearing Motion**”) the Court for the

¹ The Debtors in these chapter 11 cases, along with the last four digits of their respective federal tax identifications numbers, are as follows: Circuit City Stores, Inc. (3875), Circuit City Stores West Coast, Inc. (0785), InterTAN, Inc. (0875), Ventoux International, Inc. (1838), Circuit City Purchasing Company, LLC (5170), CC Aviation, LLC (0841), CC Distribution Company of Virginia, Inc. (2821), Circuit City Properties, LLC (3353), Kinzer Technology, LLC (2157), Abbott Advertising Agency, Inc. (4659), Patapsco Designs, Inc. (6796), Sky Venture Corp. (0311), Prahs, Inc. (n/a), XSStuff, LLC (9263), Mayland MN, LLC (6116), Courchevel, LLC (n/a), Orbyx Electronics, LLC (3360), and Circuit City Stores PR, LLC (5512).

entry of an order pursuant to Local Bankruptcy Rule 9013-1(N) granting an expedited hearing and shortening the response period on his *Motion of the Circuit City Stores, Inc. Liquidating Trust to Enforce Terms of Confirmed Plan, for Protection from Foreign Subpoenas, and for Order to Show Cause as to Why Stiles Ewing Powers PC, Michael S. Ewing, Esquire, Mollie C. Barton, Esquire, and David G. Fose Should Not Be Held in Contempt* (the “**Motion**”).² In support of this Expedited Hearing Motion, the Trustee respectfully represents as follows:

JURISDICTION

1. The United States Bankruptcy Court for the Eastern District of Virginia (the “**Court**”) has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference from the United States District Court for the Eastern District of Virginia*, dated August 15, 1984.

2. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

4. Contemporaneously herewith, the Trustee has filed the Motion, which addresses the purported service of defective subpoenas upon employees of the Trust and the Trust itself. Pursuant to the defective subpoenas, a deposition is scheduled on December 16, 2019 for one of the Trust’s employees. Therefore, it is necessary that the Motion be considered as soon as possible.

LEGAL AUTHORITY

5. Local Rule 9013-1(N) contemplates the relief requested herein. Pursuant to Local Rule 9013-1(N), the Certification for Expedited Hearing is attached hereto as Exhibit A.

² Capitalized terms not otherwise defined shall have the meanings given them in the Motion.

NOTICE

6. Copies of this Expedited Hearing Motion and notice thereof have been provided to the Office of the United States Trustee, all parties receiving CM/ECF Notices, Mr. Fose, Ms. Barton, Mr. Ewing, and Stiles Ewing Powers PC. In light of the nature of the relief requested herein, the Trustee submits that no other or further notice is required.

WHEREFORE, the Trustee respectfully requests that the Court enter an order substantially in the form attached hereto as Exhibit B: (a) permitting the Trustee to present the Motion on an expedited basis and shortening the response period thereon and (b) granting such other and further relief, as the Court may deem proper.

Dated: December 11, 2019

Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust

/s/ Lynn L. Tavenner

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Counsel to Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust

CERTIFICATE OF SERVICE

Pursuant to the Local Rules of this Court, I certify that on this 11th day of December 2019, a true copy of the foregoing Motion was sent electronically to:

Robert B. Van Arsdale, Esquire
Office of the United States Trustee
701 East Broad Street, Suite 4304
Richmond, Virginia 23219-1885
Robert.B.Van.Arsdale@usdoj.gov

Mollie C. Barton, Esquire
Stiles Ewing Powers PC
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David G. Fose
c/o Michael S. Ewing, Esquire
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Richmond, VA 23233
mewing@familylawrva.com

And all other parties receiving ECF notices in these Cases.

/s/ Lynn L. Tavenner

Lynn L. Tavenner, Counsel to Alfred H. Siegel, as Trustee
of the Circuit City Stores, Inc. Liquidating Trust

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:) Case No. 08-35653 (KRH)
)
CIRCUIT CITY STORES, INC., et al.,) Chapter 11
)
 Debtors.) (Jointly Administered)
)

CERTIFICATION FOR EXPEDITED HEARING

Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust created under the *Modified Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its Official Committee of Unsecured Creditors Holding General Unsecured Claims* [Docket No. 8252, Exhibit A], has filed (a) a request for an expedited hearing (the “**Expedited Hearing Motion**”) and (b) the Motions (as defined in the Expedited Hearing Motion). In support thereof, as required by Local Rule 9013-1(N), I, Lynn L. Tavenner, hereby swear under penalty of perjury the following:

1. I am a member of the Bar of this Court;
2. I have carefully examined the matter and have concluded that there is a true need for an emergency hearing;
3. I have not created the emergency through any lack of due diligence; and
4. I am unable to resolve the matter without a hearing.

/s/ Lynn L. Tavenner

Lynn L. Tavenner, Counsel to Alfred H. Siegel, as Trustee
of the Circuit City Stores, Inc. Liquidating Trust

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
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In re:

CIRCUIT CITY STORES, INC., et al.¹

Debtors.

) Case No. 08-35653 (KRH)
)
) Chapter 11
)
) (Jointly Administered)
)

ORDER GRANTING EXPEDITED HEARING ON THE TRUSTEE'S MOTION

This matter came before the Court upon the motion of Alfred H. Siegel, as Trustee (the “**Trustee**”) of the Circuit City Stores, Inc. Liquidating Trust created under the *Modified Second Amended Joint Plan of Liquidation of Circuit City Stores, Inc. and its Affiliated Debtors and Debtors in Possession and its Official Committee of Unsecured Creditors Holding General Unsecured Claims* [Docket No. 8252, Exhibit A], requesting an expedited hearing and shortened response period (the “**Expedited Hearing Motion**”) on the Motion (as defined in the Expedited Hearing Motion), and it appearing that a certification under Local Rule 9013-1(N) was attached to

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the Expedited Hearing Motion and it further appearing good cause exists for granting an expedited hearing, it is hereby:

ADJUDGED, ORDERED, AND DECREED as follows:

1. The Expedited Hearing Motion is hereby GRANTED.

2. Capitalized terms not otherwise defined herein shall have the meanings given to them in the Expedited Hearing Motion.

3. The Court shall hear the Motion on December 12, 2019 at 9:30 a.m. (prevailing Eastern Time) at the U.S. Bankruptcy Court, 701 East Broad Street, Room 5000, Richmond, Virginia 23219.

4. The notice requirements of Local Rule 9013-1(M) are hereby waived for the Expedited Hearing Motion.

5. Upon entry, the Clerk shall serve (by electronic delivery) a copy of this Order on counsel for the Trustee.

ENTERED:

UNITED STATES BANKRUPTCY JUDGE

**Alfred H. Siegel, as Trustee of the Circuit City
Stores, Inc. Liquidating Trust**

/s/

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Paula S. Beran (VA Bar No. 34679)
David N. Tabakin (VA Bar No. 82709)
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*Counsel to Alfred H. Siegel, as Trustee of the Circuit
City Stores, Inc. Liquidating Trust*

Local Rule 9022-1 Certification

I hereby certify that, pursuant to Local Rule 9022-1, the foregoing proposed *Order* has either been served upon and/or endorsed by all necessary parties.

Counsel

Service List for Entered Order

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